

Law vol 36

O B S E R V A T I O N S
FROM THE
LAW OF NATURE and NATIONS,
AND THE
C I V I L L A W;

S H E W I N G,

That the British Nation have an undoubted Right, during the present War, to seize on all FRENCH PROPERTY in Neutral Bottoms, and particularly every Thing brought from the FRENCH SETTLEMENTS in AMERICA, or carried to them;

A S L I K E W I S E,

To seize all such Goods carrying to FRANCE, that might enable them to carry on the War against GREAT BRITAIN, or to refuse or delay doing Justice to the BRITISH NATION;

A N D S H E W I N G,

That the Treaty made between ENGLAND and HOLLAND in 1674, does not intitle the DUTCH to any Right to trade to the FRENCH SETTLEMENTS in AMERICA.

D E D I C A T E D

To These MINISTERS, who have protected and enlarged the Commerce of GREAT BRITAIN, who have made its Fleets Masters of the Sea, and destroyed the Naval Power of FRANCE; who have secured to GREAT BRITAIN the Possession of NORTH AMERICA, on which its very Being, as a Maritime Power, depends.

L O N D O N :

Sold by J. and R. DODSLEY in Pall-mall; W. OWEN, Temple-bar; M. COOPER, in Pater-noster-row; and MARY KINGMAN, at the Royal Exchange. 1759.

[Price Six-pence.]

3

2

1

0

9

8

7

6

5

4

3

2

1

0

3

2

1

0

9

8

7

6

5

4

3

2

1

0

3

2

1

0

9

8

7

6

5

4

3

2

1

0

3

2

1

0

9

8

7

6

5

4

3

2

1

0

3

2

1

0

9

8

7

6

5

4

3

2

1

0

3

2

1

0

9

8

7

6

5

4

3

2

1

0

3

2

1

0

9

8

7

6

5

4

3

2

1

0

3

2

1

0

9

8

7

6

5

4

3

2

1

0

3

2

1

0

9

8

7

6

5

4

3

2

1

0

3

2

1

0

9

8

7

6

5

4

3

2

1

0

3

2

1

0

9

8

7

6

5

4

3

2

1

0

3

2

1

0

9

8

7

6

5

4

3

2

1

0

3

2

1

0

9

8

7

6

5

4

3

2

1

0



OBSERVATIONS
FROM THE
LAW of NATURE and NATIONS,
AND THE
CIVIL LAW, &c.

THE following observations are only a sketch of what may be said to justify the captures made by British ships of war, of which the Dutch make loud complaints; and they shall contain nothing but what the meanest capacity may understand. If the Dutch pretend to support their complaints, upon the principles of the law of nations, I believe, I shall be able to convince the world, from their own law-books, that the observations here advanced are well founded, and that every disinterested Dutchman will think so; and as to particular Dutch merchants, who propose the making great profit, by assisting France in being carriers for them, I do not pretend to obtain their approbation of principles, tho' ever so just, if they can gain a single guilder, tho' at the expence of a nation, which has often saved their country at an immense expence of blood and treasure, from Spanish and French slavery.

1st. I shall shew, that by the law of nature and nations Great Britain is entitled to seize on all French property, found on board neutral ships.

2dly. That Great Britain is entitled to seize such goods carrying in neutral bottoms to France, or to or from French settlements, which might enable them to carry on the war against Great Britain.

3dly. That the treaty between England and Holland, in 1674, does not intitle the Dutch to plead any exemption from what is established by the said principles of the law of nature and nations, and particularly that they are not entitled by the said treaty to carry any thing for the support of the French settlements in America, or to bring home to Europe the produce of these colonies for the *benefit of France*.

By looking into Winklerus, who wrote on the law of nature and nations about 1615, into Grotius, who wrote after him, into Puffendorff, Vander Muelen, Vitriarius, and Kulpitius, who wrote since on this subject, the truth of what is advanced will appear, and still more clearly from Cocceius, a late author who has wrote five volumes in folio on Grotius. He was a Counsellor of State to the King of Prussia, and a man of great learning. I shall, however, confine myself to a treatise printed this year at Leyden; a book owned by the Dutch to be of authority, and which contains an abstract of the principles established by the great authorities just mentioned. This treatise is called *Le droit des Gens, ou Principes de la Loy Naturelle, appliqués à la Conduite des Nations, et des Souverains, &c.* wrote by Monsieur de Vattel.

That the reasoning may be clear, and in a short compass, I shall first lay down a few principles of law, acknowledged by all writers on the law of nature, of nations, and the civil law, and then set down some positions contained in Monsieur Vattel's treatise, to which I shall apply my reasoning.

1st Principle—*Jure naturæ æquum est, neminem cum alterius detrimento locupletioresse; that is, By the law of nature it is unjust that any one should be enriched by another's loss.*

2d Principle—*quæ ad finem juris consequendi sunt necessaria, ad ea jus habere intelligimur; that is, Things that are necessary to bring about the intention of a law, to these we are understood to have a right.*

3d Principle—Speaking of goods carrying to an enemy—*Si tueri me non possum, nisi quæ mittuntur intercipiam, necessitas jus dabit; that is, If I cannot preserve myself, unless I intercept the thing sent, necessity shall give me a right.*

Grotius establishes the same principle in other words—*Censetur quippe ipsa natura jus dare ad id omne sine quo obtineri non potest quod ipsa imperat.*

4th Principle—*alterum non ledere—In English, not to hurt another.*

5th Principle—*quod quisque ob tutelam sui fecerit, jure secisse existimetur; that is, What a person does to keep what is his, safe, is thought to be acted legally by him.*

6th Principle—*quod tibi fieri non vis, altero ne feceris; that is, What you would not have done to you, do not you do to another.*

This last principle is much the same as that established by our Saviour; viz. *What you would have others do unto you, do you the same unto them, &c.*

It would be easy to set down many principles equally strong and equally applicable to the point in view; but it is needless to multiply things that are to the same purpose—

The positions laid down by Monsieur De Vattel are,

1st position. There is a law of nature necessary and another voluntary; the first is sacred, and ought never to be broke in upon; and is, what is called by other writers, the primary law of nature. What he calls voluntary, is what other writers call the secondary law of nature or of nations; and is considered as a rule laid down for the common good, and by the common consent of nations, but may be varied, if circumstances alter.

2d position. There are other rights and rules established between particular nations by mutual consent, and which do not affect mankind in general; and this may be done either by express consent, by *treaties*, or tacitly, by the custom of these nations, which custom is equally binding as treaties, if it has continued for a long time (1).

3d position. Independent nations live with one another by the law of nature, in much the same way as individuals do in a state of nature before they join in a society; and in that state of nature, if an individual endeavours to deprive another of what is his right, in the opinion of the rest, they ought to assist the injured (2).

4th position. It is the right and duty of all nations to preserve their rights; and, in order to accomplish it, to follow the proper methods to make them effectual: otherwise the performance of that duty would be rendered impossible, and of no effect (3).

5th position. As it is observed in the third position to be the duty of a neighbouring people to prevent injuries being done to a neighbouring nation, by any other independent nation, in the same way as it is the duty of individuals, in a state of nature, to prevent other individuals from being oppressed; so it is much more the duty of that neighbouring people not to hurt that nation themselves (4).

6th position. A treaty between two independent nations is not binding when it becomes inconsistent with the safety of any of the contracting parties. For example: If a Prince who governs a country is bound to furnish men to another country; if his own country is attacked, so that he cannot spare them without endangering his own country, he is not bound by that treaty at that time: or, if he is bound to furnish grain, and there is a famine in his own country, the treaty, as to that article, is vacated for that time (5).

7th position. The view of the parties at the time the treaty is made is chiefly to be considered (6).

8th position. Favourable articles, which do not bear hard on a party, are to be largely interpreted; and articles, that bear hard on a party, to be restricted as much as the treaty can possibly allow of (7).

9th position. A nation has a right to defend itself, and attack its enemy, whenever that other nation attacks any of its rights, or declares its intentions to do so; and in a defensive war, when a nation is attacked, a declaration of war is not necessary on the part of the nation attacked (8).

10th position. If a neutral power affects to aid my enemy, or to furnish him with necessities in preference to me, and to advance his interest in preference to mine, he, *ipso facto*, withdraws, and puts an end to his neutrality, and as I have a natural right to prevent my enemy from having it in his power to hurt or resist me; therefore, when I seize goods in a ship belonging to such a neutral power, which are carrying to my enemy, and which would strengthen him, though this may hurt the neutral power, yet he cannot justly complain, as it was not done with a design to hurt him, but was *necessary* for my own defence, and to hurt my enemy.

(1) See Part I. from page 3.

(4) Part I. page 116.

(7) Part I. pages 212, 213.

(2) Part I. page 3.

(5) Part I. page 160.

(8) Part II. pages 10, 22.

(3) Part I. page 3, 111.

(6) Part I. page 196.

The author here observes, that when a place is blocked up by an enemy, where perhaps a neutral nation has a great trade, all goods carrying to that place by neutral ships, especially *vivres*, that is, meat or drink, are seizable: or, where goods are carrying any where to my enemy, which supports him and hurts me, I have a right to seize them (1).

11th position. These goods are contraband by the Law of Nations, which contribute much to enable my enemy to support the war against me; iron and wood, for example, have always been reckoned contraband goods, *when the nations at war dealt in commerce by sea*, because they are of great use, and so are good prize when taken on board a neutral ship going to my enemy. It is thus, that neutral powers may be discouraged from assisting my enemy; and by the same rule, other goods equally useful to my enemy are good prize (2).

Here the author observes that it is common for neutral Princes, at the beginning of a war between two neighbouring States, to declare to their subjects, that if they carry things to assist either party to carry on the war, they will not protect them if they are seized. In this place the author makes use of the following words, which are so strong as to leave these Dutch merchants, who are carriers for France, without any cause of complaint, when their contraband goods are seized.

Une nation, qui sans autre motif que l'appas de gain, travaille à fortifier mon ennemi, et ne craint point de me causer un mal irréparable, cette nation certainement n'est pas mon amie; et elle me met en droit de la considérer, et de la traiter, comme associée de mon ennemie.

That is, 'A nation who without any other motive but the desire of gain, labours to strengthen my enemy, and does not regard the doing me an irreparable damage; that nation certainly is not my friend, and gives me a right to consider and treat it as a confederate of my enemy.' (3)

12th position. A nation at war must have a right to search neutral ships, to see if they have such goods on board, as that nation is entitled to seize or stop; otherwise it cannot be known how the fact stands. If enemies goods are found on board, they are seizable. And if goods are found on board an enemy's ship belonging to a neutral nation, they are to be restored to the owner without the captors being liable to indemnify for what damage the goods sustained by being taken on board an enemy's ship, except they were damaged by the captor designedly after knowing whose goods they were (4).

13th position. Into a place besieged or block'd up nothing is allowed to be carried, and as an example of the custom of nations, the author says, that when *Dunkirk* was block'd up by the *Dutch*, by their having some ships of war lying near it during their war with *Spain*, they would not allow the *English* to carry any thing into it of any kind, much less meat or drink or any thing that could assist in its defence (5).

14th position. A nation at war has a right to take all methods to weaken its enemy, and to prevent their being able to resist them (6).

After laying down these principles of law, and positions, I am to consider the present situation of Great Britain with regard to neutral powers, and particularly with respect to Holland. That Great Britain was obliged to declare war against France in defence of its settlements in America, is plain. That ambitious nation observing how easily we have often bore injuries,

(1) Part II. page 37.

(4) Part II. page 39.

(2) Part II. page 38.

(5) Ibid.

(3) Part II. page 28.

(6) Part II. page 45.

and that we did not seem to be jealous of the aggrandisement of France, either by the vast increase of its trade, or acquisitions on the continent by Lorain, &c. therefore thought they might treat Great Britain as they pleased. They first felt the pulse of the British ministry, by keeping possession of the *neutral islands* directly contrary to the treaty of *Aix la Chapelle*, which they had just made with Great Britain; and when they found the British ministry bore that patiently, and allowed them to fortify these islands, and to trifle with them about fixing the *limits of Nova-Scotia*, they seized, in time of profound peace, *Fort du Quesne*, one of the British settlements in America. At first, we took no effectual methods to do ourselves justice. But at length a true British spirit arose, which, it is hoped, will put a stop to the bad consequences arising from the perfidy and insolence of France. Amongst other methods to accomplish this end, they have put a stop to that piece of French chicanery, to carry home their property from America in neutral bottoms, and to supply their colonies in America with all necessaries by neutral ships, when they found that by the vigilance of the British ships of war they could not assist themselves by their own shipping and seamen.

1st, Then it being plain that Great Britain was forced into this war by France; their breaking a treaty they had just made, by taking possession and fortifying the neutral islands, and by attacking one of the British settlements, by the third position, Great Britain was entitled to the assistance of neutral powers.

2dly, It is evident that the attack made on Great Britain was of the utmost consequence to her possessions in America, the chief sources of her trade and navigation, on which her very being depends. This entitled Great Britain to the assistance of neutral powers, by the said third position.

3dly, It is plain that Great Britain had no other method of doing herself justice, but by distressing the French at sea, and particularly by preventing her getting home the produce of her colonies in America.

When France found herself unable to bring home the produce of her plantations, or to furnish them with necessaries by her own shipping, some merchants in neutral countries, and particularly in Holland, were prevailed on by the hopes of private gain to attempt bringing home the produce of those colonies to France, and furnishing these colonies with provisions and necessaries, without which they must have starved, or delivered themselves up to Great Britain. Upon this the British ships of war seized on French property found on board those neutral ships, as likewise provisions and other necessaries carrying into those colonies in neutral ships. This is perfectly agreeable to the principles of law laid down at the beginning of these observations, and likewise to the 4th, 5th, 10th, 11th, 12th, 13th and 14th positions. The British captors pay freight for French property found on board neutral ships, which is more than they are obliged to do, as appears by the said principles of law and positions; so that our captors have more reason to complain than those neutral merchants who were *versantes in illicito*, and therefore in a situation which the law does not favour, and where every thing is presumed and interpreted against them, according to this standing maxim *contra versantes in illicito, omnia presumenda sunt*; and our hindering Dutch ships to go to French settlements with either meat or drink, or necessaries of any kind, is agreeable to their own practice, when our men of war cruize before them, as appears from position the 13th; and tho' they were not cruizing there, it will appear by what follows, that every person who Trades there is to be called a Frenchman.

If it is objected, That most of the goods seized by the British ships of war, such as sugar, indigo, &c. are not among the list of contraband goods, by the custom of nations, it is plain by the positions laid down, particularly the 11th, that every commodity is contraband which enables

enables my enemy to hurt me, or to carry on the war against me, and these only are not contraband by the law of nations which do not much contribute to strengthen the one party at war, or to hurt the other. Now it is well known that the goods brought from the French settlements in America are of yearly value to France about two millions sterling. Is it then to be expected that Great Britain is to allow such a sum to be carried to France to carry on the war against her, when she has it in her power to prevent it? It is true, *in the old law books*, wood and iron are mentioned as contraband goods, and there is no mention of sugar and indigo; the reason of which is evident: wood and iron assisted in carrying on the war, and the West-India trade was then of none, or very little consequence: but will any reasonable person think that now, when these commodities produce to France about two millions sterling, yearly, they are not of more consequence to enable that nation to carry on war than any other commodities mentioned in the old law books, which can be purchased for the tenth part of that sum, in as great quantities as France wants; and is it not directly contrary to the principles of law and positions before-mentioned, for neutral powers to bring to France such valuable commodities as must furnish them with the sinews of war to hurt Great Britain, even though not French property; but much more so as they are their property, and brought from French settlements, where none but denizens of France, by the custom of all European nations, have a right to trade, as shall be shewn afterwards; and is it not agreeable to these principles, that Great Britain should seize those goods, particularly to principle the third and fifth; and is not the seizing of all French property in neutral bottoms perfectly agreeable to the aforesaid positions; and are not these neutral merchants, who fit out their ships to assist France, acting directly against these positions, and particularly against the third and fifth, by assisting the enemies of Great Britain, instead of assisting her as they ought to do, as being the party attacked and injured?

In the war carried on against France, by England and Holland, in King William's time, the northern powers formed the scheme, which now some Dutch merchants have put in execution, viz. to turn carriers for France; but the English and Dutch would not suffer them: Upon which one Mr. *Groning*, a civilian, was employed by them to show, that the English and Dutch, by the Law of Nature and Nations, had no right to hinder them; but the famous *Puffendorf* being then alive, Mr. *Groning* had the precaution to ask his opinion by a letter on the subject; and in the answer to that letter, *Puffendorf* wrote him, that the English and Dutch had a right, by the Law of Nature and Nations, to prevent any things being carried to their enemies, *that could hurt them*, and to take all methods to prevent France from being enriched and strengthened. In that letter there is the following most just observation, viz. *that neutral powers ought to consider more what is for the advantage or disadvantage of nations, than what answers the greedy views of Individuals, &c.* In this letter, that great lawyer likewise observes, that no nation in time of war can pretend to extend its privileges of commerce further, than in time of peace: which at once cuts off all pretence any Neutral Power, or private person, can have for trading to or from French colonies, as will appear in what follows.

I foresee that it may be said, that these neutral ships bring home these goods from the French colonies as their own, and not as French property. This is a subterfuge that can impose on nobody of knowledge in these matters; every body knows that the plantations and colonies belonging to every European nation in America, are excluded from sending the produce of these plantations any where but to their mother country, and none but denizens of their mother country can trade there; and no nation observe these rules more strictly than the French; and can they believe they can so far impose on the understanding of the people of Great Britain, as to make them believe they would allow the Dutch, or any foreign nation, to carry to Europe the produce of their plantations, if it was not for the benefit of France? It is enough for Great Britain to be able to shew that the goods their ships of war seize, are of the growth of French colonies, to shew that they are French property; for no ship but one belonging to France, as has been observed, can trade to French colonies, by the universal custom of all European

ropean nations, and particularly by that of France: and if they now allow neutral ships to go there to protect their property, when they are not able to do it themselves, they are to be looked on as French ships, and acting for France*.

Besides, these goods are seizable by position the tenth, though not coming from French colonies, if for the benefit of France: and it is equal to Great Britain whether a man who trades to the French settlements, speaks French, Dutch, or any other language: by his being allowed to trade there, he becomes a denizon of France, *pro hac vice*: and if a Dutch ship, loaded with the produce of a French settlement stops at *Eustathia*, or at any neutral port, and there unloads a cargoe brought from a French settlement, and then puts it on board the same, or another ship, will any man of judgment pretend that our ships of war ought to look on that cargoe as any less French property, than if the ship had proceeded with the said cargoe directly from the said French colony to France?

I am now come to the treaty in 1674 between England and Holland; and believe I shall be able to shew that Great Britain acts agreeably thereto, by treating neutral ships as it does. Although the Dutch can claim no benefit from it, after refusing to furnish the troops to Great Britain, which they were obliged to do by the said treaty.

The reader is desired to look back to position the 7th, by which it appears, *that the meaning of the parties at the time treaties are made, is the rule by which they are to be interpreted.*—Now it is evident, that although the Dutch by that treaty are allowed to carry some goods to the enemies of Great Britain, which other nations are not allowed to do, yet it only means goods which are their own property, and which they could carry in time of peace; and amongst these goods sugar is mentioned: will any body from that infer, that they are allowed to be carriers of sugar, the property of France, from French colonies? When that treaty was made, nobody could imagine that France was, contrary to the established rule amongst all nations, to allow a foreign nation to trade to its plantations; nor indeed at that time were the sugar plantations of France so considerable, as that the importation of their produce to Europe could enable them to hurt their enemies in any considerable degree; but now the produce of those plantations is so considerable, that the safe importation of them would enable France to maintain 50 or 60,000 men against us. That treaty only meant, that a Dutch ship going from Holland, or from any country except French dominions, might carry sugar, and sell that commodity in France: But is there not a difference between carrying that commodity in the common way of trade, from one European nation to another, and turning carriers of it from French settlements, as one of their chief funds for carrying on a war against Great Britain? to allow of this would be allowing the Dutch openly to assist France. This contrivance for preserving and carrying safe home the produce of French colonies in neutral bottoms, is an invention calculated for the present time, eighty years after the said treaty. Besides, by position the 6th, if the said treaty could be interpreted, as these Dutch Frenchified carriers would have it, it would become not binding on Great Britain, as it must entirely ruin her; and so, by the positions laid down, it would be her duty not to regard it. France was able to undersell them in those commodities in time of peace, when the risque in bringing them to Europe, and the insurance were the same to the subjects of both nations; and would not Great Britain be cut out of that valuable branch of trade, and their plantations ruined, if by this French trick they should be able to get home these goods at the same insurance as in time of peace, when the merchants in Great Britain are paying the high insurances paid in time of war? But there is no occasion to have recourse to this, for 'tis evident the treaty had nothing in view but the proper-

* The reader is desired to look into a book published at Paris in 1742, called *Le Code Noir*, particularly in page 176, and 242, by which he will see, that all foreigners are prohibited to trade to any of their settlements, and the inhabitants are discharged, under severe penalties, to furnish them with any of the produce of the said settlements.

ties of the contracting parties; and by the custom of all European nations, which is equally binding as a treaty, by position the second, every person is supposed to be a denizen of any European nation who trades to its plantations; and the French now granting licences to neutral nations, to trade there for the benefit of France, and to preserve their property from British captors, will not alter an establishment fixt by the custom of all the nations in Europe; and surely Great Britain has a better right to keep to that universal custom and law, than France has to alter it.

It is to be observed that no nation in Europe more strictly adheres to the right of excluding all foreigners from trading to their settlements, than the Dutch; they extend that exclusion further than any other European power does; for where they have only established a settlement in one part, although the government of all the rest of the country remains with the natives, yet they pretend a right to exclude other foreign nations from trading there, though it be contrary to the law of nations and the common practice of mankind; witness their pretending to an exclusive trade to *Ceylon* in India, &c. How then can any Dutchman, with any appearance of justice, complain of Great Britain in not allowing France, in time of war, to vary the rule universally observed in time of peace, by herself and all her neighbours, not to allow any but her own subjects to trade to her plantations? Is it not plainly the duty of the British ministry to order our ships of war to treat all who trade there as denizens of France? If it were otherwise, France must, in the midst of war, reap all the advantages of peace; and Great Britain be ruined in the issue.

The reader is here referred to the said letter of *Puffendorf's*, and to the places of *Grotius* here mentioned; by which it will appear evident, that it never can be supposed to be the intention of nations, that any Neutral Powers shall have a more extensive trade in time of war, than in time of peace, if such trade is destructive of the interest of one of the powers engaged in war: but this would be the case if neutral powers were allowed to trade to French settlements.

From these observations it must appear, that it never could be the meaning of the parties in the treaty of 1674, to allow the Dutch to extend their trade, in time of war, with the enemies of Great Britain to their own destruction, and to the advantage of their enemies further than they had a right to do in time of peace.

It is a maxim in law, fixed by *Grotius*, and all the writers on the law of nature and nations, that absurdities are never to be presumed, and that *nemo credendus est velle absurda*.—Besides, it is plain that Holland can claim no benefit from a treaty which they have broke oftner than once, and particularly during the last war, the last rebellion, and during this war; by which they have forfeited all claims by that treaty.

What makes the meaning of the parties in that treaty 1674 quite plain, is the secret article explaining it in 1675, by which it is provided, that neither party shall give any aid or council to the other's enemies by land or sea; nor allow their subjects to furnish their enemies *with any necessaries for carrying on the war*. Can this be reconciled to Dutch ships being allowed to screen French property, by carrying for them the growth of their plantations to France, by which, as I have said, they are furnished to the value of about two millions sterling yearly, to carry on the war against Great Britain; or to their furnishing those plantations with necessaries to enrich France, by such immense sums, to the destruction of Great Britain?

The reader, by looking into *Grotius de jure belli et pacis*, will be more fully instructed in the subject of the aforesaid observations; particularly he is referred to book 2. chap. 1. and to the 16th chap. sect. 16 & 17. to chap. 5. sect. 5. to book 1. chap. 5. sect. 2. to book 2. chap. 25. sect. 5, 6, 7.

I am

I am far from thinking that the well disposed part of Holland inclines to support the French in any shape: I look on the complaints from that country concerning the captures made by British ships, to come only from merchants who consider their private gain.

Surely every thinking protestant in Holland must be sensible, that if Great Britain is ruined, (as it must be, if France had the advantage of carrying on its trade in neutral bottoms safely, and at no higher insurance than in time of peace) *Prussia, Hanover, and Hesse*, must be over-run by the houses of *Austria* and *Bourbon*, and there might be an end to the protestant religion in Germany, and indeed through all Europe; for can any instance be given of these houses ever declining to make use of any opportunity when it was in their power, to distress the protestants, contrary to the most solemn treaties? Witness the revocation of the edict of *Nantz* in France, and the massacre of *St. Bartholomew*, and the persecutions, by the house of *Austria*, in *Hungary, Silesia, Transylvania, Bohemia, &c.* And will they not do so much more in conquered countries where they are not restrained by any treaty? And Holland could have nothing more to hope for, than that of being the last sacrifice. The Dutch surely cannot have forgotten the danger they were in from France in 1672, and that Great Britain sacrificed much blood and many millions under King William, and afterwards under the duke of Marlborough, to preserve them from French slavery; and in the last war with France, after expending many millions, taking *Cape Breton*, and reducing the French sugar islands very near to a necessity of giving themselves up to Great Britain, she generously (though indeed it cannot be said wisely) gave up *Cape Breton* to France, and quitted the prospect we had of being mistress of the French settlements in the West Indies, and all this to prevent Holland being over-run by France. And is it possible that the *States General* will put the complaints of a few merchants in competition with the safety of that nation, which has always done them acts of friendship, and with the liberties of Europe, the protestant religion, and their own preservation as a free state? But if they should, I dare undertake to defend what is here advanced, even from the authority of Dutch writers on the law of nature and nations, and the civil law; that the measures now followed by our ministry, are absolutely necessary to the very being of Great Britain, as an independent nation, which we cannot reckon upon as sure till we drive them out of that part of North America, which lies on the south of the river *St. Laurence*, to which they have no right, and by which only we can insure to ourselves at sea a superiority against France; for by this, the French will be cut out of their fishery in that part of the world, and the fur trade, which, together with the naval stores they import from thence, employ between 14 and 20,000 sailors yearly, besides bringing great wealth to France; which enables that ambitious nation so often to disturb their neighbours; and had Great Britain allowed them to execute their projects in North America a little longer, and to have got a port in the front of that country, they would have been masters of the British settlements there, and in a few years afterwards of Great Britain itself, by getting such an increase of trade, as to out-number us in sailors; which is all they have to do to make Great Britain a province of France, and to be masters of Europe.

By Great Britain's being masters of North America, the number of its sailors will so much increase, and the number of the French sailors so much decrease, that Great Britain will be enabled not only to defend itself and its commerce, against France, but likewise effectually to prevent the French from reaping any advantage from its continental connections. At present, when France is sensible that they are not a match for Great Britain at sea, they invade *Hanover*, by which they purpose to oblige her to exhaust herself by exporting two or three millions sterling a year to defend it; whereas, by this great superiority at sea, which she will acquire by being possessed of North America, she will be able to save all that export of cash to the continent, by keeping always 20 or 30,000 men on board a fleet to invade the coasts of France; by which, for every shilling they can exact of *Hanover*, they may be obliged to pay ten; which will deprive them of the advantage over us on which they chiefly rely; and to pretend to carry on a continental war against France is not only against the interest of Great Britain, but contrary to nature, common sense, and ruinous to Great Britain.

My

My having lived long with the late Lord Stairs, when he was ambassador at Paris, made me early acquainted with the perfidy and chicanery of the French; and with their implacable hatred to the British nation, whom they look on as the only people who put a stop to their ambitious views. This piece of French contrivance and chicanery to bring home their property from America in neutral bottoms, is of a piece with a contrivance of theirs during that great man's embassy. The ministry of France finding that they could not, without an open violation of the treaty of *Utrecht*, send over troops to assist the Pretender during the rebellion in 1715, they disbanded several corps on purpose to serve his interest; and when his lordship complained that these disbanded corps went over to Scotland as private men, and then incorporated, the Ministry told him, that they could not help private persons disposing of themselves as they pleased; so that no chicanery or contrivance from France can surprise any body in the least acquainted with their manner of acting: they are like the Jesuits in matters of religion, who stick at nothing to serve their interest.

Great Britain has now got possession of *Cape Breton*, the key of North America; and as we have now a Ministry who seem to have the interest of their country at heart, it is to be hoped that France will be forever excluded from that country; and if they do not very soon make peace, this dispute between Holland and Great Britain, about carrying goods to and from their plantations, may probably very soon be ended by another method than by arguments drawn from the principles of law; for as Great Britain is master at sea, the same force that took *Louisburgh*, can very easily make them masters of *Martinico*, &c.

